

United States District Court, Western District of Washington	No.
Sonya L. Orrino, Plaintiff, vs. United States, Defendant.	Complaint

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2 Plaintiff Sonya L. Orrino brings this action against the United States and makes the
3 following allegations and complaints:
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5 I. PARTIES

6 1. Plaintiff Sonya L. Orrino is an individual residing in Arlington, Snohomish County,
7 Washington.
8 2. Defendant is the United States of America.
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II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and § 1346 (United States as defendant). The defendant is the United States of America and the plaintiff resides within the Western District of Washington. This Court has venue under 28 U.S.C. § 1391(e)(1).

III. FACTS

1. In 1988, Ms. Orrino was convicted of a felony in Island County, Washington under cause #88-8-00081-2 as a juvenile. On July 27, 2015, the Island County Superior Court entered an order sealing the record of that juvenile offense. Under Washington state law, that proceeding is treated as though it never occurred. RCW 13.50.260(6)(a); *Nelson v. State*, 120 Wash. App. 470, 85 P.3d 912 (2003).
2. In 1996, Ms. Orrino was convicted of a felony in Island County, Washington under cause #96-1-00114-8 as an adult. On July 27, 2015, the Island County Superior Court issued Ms. Orrino a certificate of discharge from her sentence. Under Washington state law, that certificate restored Ms. Orrino's civil rights. RCW 9.94A.637(5).
3. In October 2015, Ms. Orrino attempted to purchase a firearm. The National Instant Criminal Background Check System (NICS) denied her. When Ms. Orrino requested the reason for the denial, NICS responded that it was based on a felony conviction, and it referenced the adult felony cause number, 96-1-00114-8.

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4. On January 4, 2016, the Island County Superior Court restored Ms. Orrino's Washington state firearm rights on the basis of both the juvenile and adult convictions under RCW 9.41.040(4).
5. In March of 2016, Ms. Orrino again attempted to purchase a firearm. Again, NICS denied her on the basis of a felony conviction, this time with no specificity.
6. On March 23, 2016, Ms. Orrino faxed a copy of the restoration order to the Washington State Patrol. Based on phone conversations, WSP received that order, processed it, and forwarded a copy to NICS. According to the WSP, there is no reason why NICS should continue denying Ms. Orrino.
7. Based on phone conversations, NICS has confirmed to Ms. Orrino that it has received a copy of the restoration order. However, it has refused to change Ms. Orrino's status until the order is processed. According to media reports in January 2016, NICS has stopped processing appeals. The NICS website indicates it is processing appeals from June 2015, but it has stated that since August 2015. There is no end in sight.
8. Ms. Orrino is not prohibited by state or federal law from possessing a firearm.
9. Ms. Orrino has previously been known as Sonya L. Helvey and Sonya L. Walker.

IV. CAUSE OF ACTION

1. 18 U.S.C. § 925A, remedy for erroneous denial of firearm. NICS is erroneously denying Ms. Orrino a firearm when she is not prohibited by state or federal law from possessing one.

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1 V. REQUESTED RELIEF

2 1. That the Court order NICS to update Ms. Orrino's status to "proceed."
3 2. That the Court award Ms. Orrino attorney's fees and costs.
4 3. Any other legal or equitable relief as the Court sees fit.

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7 Respectfully submitted,

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10 _____
11 Vitaliy Kertchen WSBA#45183
12 Attorney for Ms. Orrino
Date: 8/12/16

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